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September 4, 2020

The Honorable John R. Tunheim
United States District Court
13E U.S. Courthouse
300 South Fourth St
Minneapolis, MN 55415

RE: *Seifert, et. al v. IMT Insurance Company*
Court File No.: 20-cv-01102 JRT/DTS
Our File No.: 55336

Dear Judge Tunheim:

Our office represents IMT Insurance Company (more appropriately identified as “Wadena Insurance Company”) in the above-referenced matter. We are in receipt of Plaintiff’s correspondence dated August 18, 2020, submitting supplemental authority after the conclusion of briefing. Wadena Insurance Company objects to the submission of the supplemental authority as the Local Rules for the United States District Court – District of Minnesota do not expressly allow for supplemental submissions.

However, in reviewing the Court’s practice pointers, we note that the Court may allow for consideration of additional case law:

Any additional case law presented at or after oral argument must be furnished to the opposing counsel prior to submitting it to the Court. If submitting the case law the day of oral argument, please supply the Court with two copies.

In its Memorandum of Law in Support of its Motion to Dismiss, Wadena Insurance Company cited to *Mama Jo’s, Inc. v. Sparta Ins. Co.*, No. 17-CV-23362 (KMM), 2018 WL 3412974 (S.D. Fla. Jun 11, 2018). [Dkt. 12, p. 22]. Following Wadena Insurance Company’s submission, the 11th Circuit Court of Appeals issued an opinion affirming the Southern District of Florida’s decision. *See Mama Jo’s, Inc. v. Sparta Ins. Co.*, __ Fed.Appx. __, 2020 WL 4782369 (11th Cir. August 18, 2020). A copy of the 11th Circuit opinion is attached to this correspondence.

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Additionally, Wadena Insurance Company submits the following additional authority which has been issued after the conclusion of briefing in this case:

- *Diesel Barbershop, LLC, et. al. v. State Farm Lloyds*, No. 5:20-CV-461 (DAE), 2020 WL 4724305 (W.D. Tex. August 13, 2020).
- *Rose's 1, LLC v. Erie Ins. Exchange*, No. 2020 CA 002424 B, 2020 WL 4589206 (D.C. Super. Ct. August 6, 2020).

By submitting this authority, Wadena Insurance Company is not waiving its objection to Plaintiffs' late submission. However, in the event the Court is inclined to consider Plaintiffs' submission, Wadena Insurance Company respectfully requests the Court further consider the authority attached hereto.

Thank you for your attention in this regard.

Sincerely,

A handwritten signature in black ink, appearing to read "Shayne M. Hamann". The signature is fluid and cursive, with the first name "Shayne" being more prominent and the last name "Hamann" following in a similar style.

Shayne M. Hamann

Enc.